

Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204
Baltimore County, Maryland

In the Matter of

Keith Crumpler

Respondent

Civil Citation No. 55244

3727 Seneca Garden Road

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on May 19, 2010 for a Hearing on a citation for violations under the Baltimore County Building Code (BCBC) 49-07 section 105; International Residential Code (IRC) 2006 section 105: built addition (enclosure below existing deck) without permit(s) re: permit application B733452 on residential property zoned DR 5.5 known as 3727 Seneca Garden Road, 21220.

On April 13, 2010, pursuant to § 3-6-205, Baltimore County Code, Inspector Claude J. Profili issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$1,000.00 (one thousand dollars).

The following persons appeared for the Hearing and testified: Keith Crumpler, Respondent and Claude Profili, Baltimore County Building Inspection Inspector.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. A Correction Notice was issued on February 3, 2010 for Respondent to obtain all necessary permits for addition built at rear of property. This Citation was issued on April 13, 2010.

B. Inspector Claude Profili testified that a one story addition has been constructed on this residential single-family house with no permit, under a pre-existing deck. Photographs in the file show a house with white siding and a rear deck on the second story, with white siding enclosing the area under the deck. Inspector Profili further testified that Respondent filed an application for a building permit on March 4, 2010, but the permit application is being held by the Department of Environmental Protection & Resource Management (DEPRM) and the building permit has not been issued.

C. Respondent Keith Crumpler testified that the enclosed space is not actually an addition of livable space; it just has free hanging walls and the top is a deck. He further testified that he is working to comply with DEPRM requirements for impervious surface limitations and has to remove a shed by June 15, 2010. He further testified that he thinks he will be able to obtain the required building permit after the shed has been removed, and requested additional time for compliance.

D. A Baltimore County building permit is required before a person may erect, construct, repair, alter, remodel, remove, or demolish a building or structure. BCC Section 35-2-301. Respondent has improperly constructed this enclosed area under the deck without obtaining the required building permit and inspections. Respondent must either obtain a permit and all required inspections and meet code and zoning requirements, or remove the structure. Because Respondent promptly applied for the permit after receiving the County's first notice and is working to comply with requirements, the civil penalty will be rescinded if the violations are corrected within the time provided below.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$500.00 (five hundred dollars).

IT IS FURTHER ORDERED that the civil penalty will be RESCINDED and reduced to zero dollars if the violation is corrected by July 12, 2010.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty, as authorized above, shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 25th day of May 2010

Signed: ORIGINAL SIGNED
Margaret Z. Ferguson
Baltimore County Hearing Officer

NOTICE TO RESPONDENT: The Respondent is advised that (1) pursuant to §3-6-206(g)(2) of the Baltimore County Code, the Respondent may make written application to the Director of the Department of Permits & Development Management within 10 days to modify or amend this order and (2) pursuant to §3-6-301(a), Baltimore County Code, the Respondent may appeal this order to the Baltimore County Board of Appeals within fifteen (15) days from the date of this order; any such appeal requires the filing of a petition setting forth the grounds for appeal, payment of a filing fee of \$150 and the posting of security to satisfy the penalty assessed.